

## **4. SILENCE OF ADMINISTRATION**

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**Silence of administration is the most frequent obstacle to access to information.**

**Although the law has been implemented for almost two years, the percentage of cases of silence of administration is still extremely high, especially in the initial phases of the administrative procedure.**

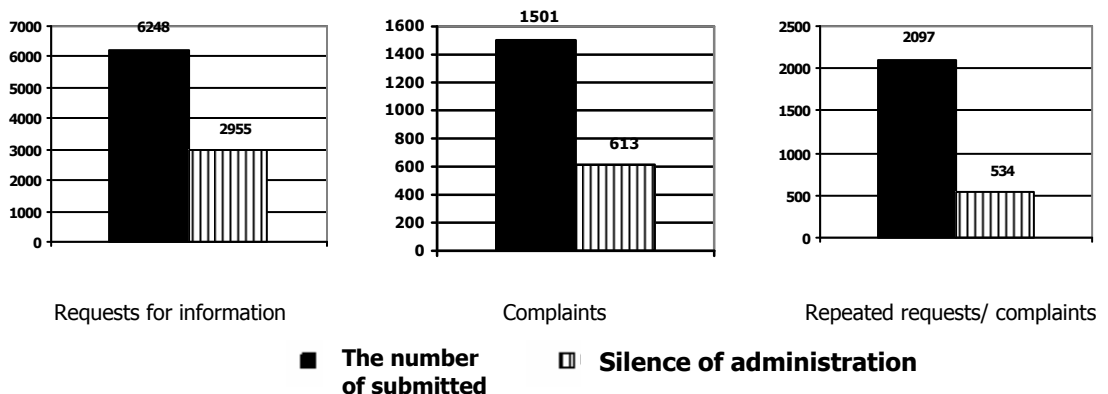
The Law on Free Access to Information, Article 16, paragraph 1 and Article 22

A public authority body is obliged, following a request to access information, to pass a decision and submit it immediately to the person submitting the request, and at latest within eight days from the day when the request was submitted.

A public authority body competent for passing decisions on complaints is obliged to pass a decision on a complaint and to submit it to the person lodging a complaint within 15 days from the day when the complaint was lodged.

This publication analyzes experiences gained during 21 months of monitoring of implementation of the Law on Free Access to Information, since the beginning of its implementation on December 20 2005 till the end of September 2007.

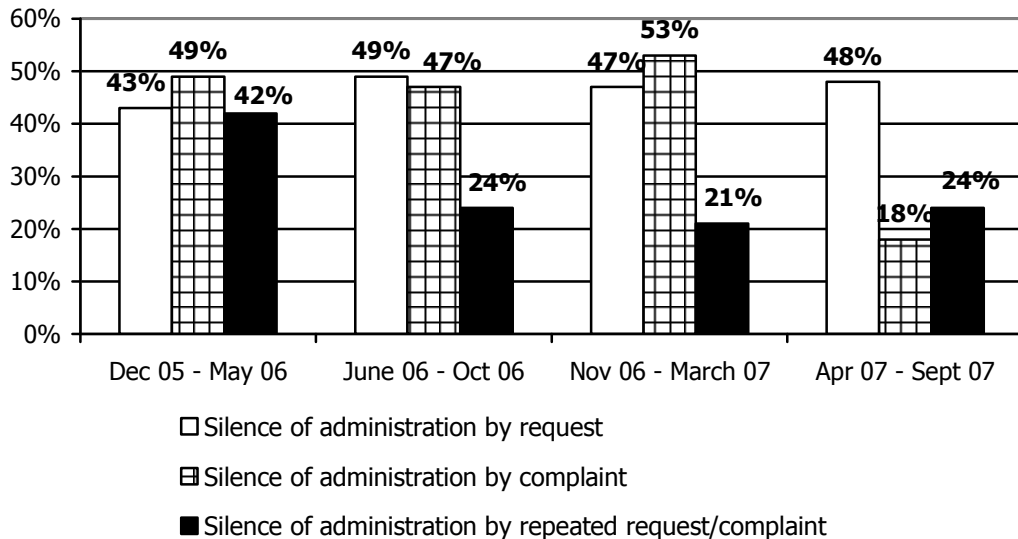
**Silence of administration on requests for information is 47% of the total number of submitted requests, on complaints it is 41% and on repeated requests i.e. complaints as the last phase of the administrative procedure it is 25%.**



In order to obtain a picture on the trends in the silence of administration by different procedure phases, we have divided the implementation period into four five month phases.

#### 4. Silence of administration

Description	Dec 05 - May 06	June 06 - Oct 06	Nov 06 - March 07	Apr 07 - Sep 07	Total
Number of submitted requests	769	1034	2001	2444	6248
Silence of administration by requests	331	507	936	1181	2955
Number of lodged complaints	156	275	624	446	1501
Silence of administration by complaints	77	129	328	79	613
Number of repeated requests/complaints	281	384	644	788	2097
Silence of administration by repeated requests/complaints	118	91	138	187	534



The percentage of silence of administration per requests for information is at the same level in all the observed periods, and the silence of administration with second instance bodies, in the procedure following a complaint significantly decreases only in the last five month period.

The silence of administration by repeated requests i.e. complaints, after the first five month period is twice rarer, because **after facing the first complaints institutions became much more expedient in the later phases of the administrative procedure, in order to avoid initiation of the administrative procedure.**